

REMARKS

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Status of Claims and Support for Claim Amendment

In the Office Action Summary of the Office Action dated May 29, 2007, claims 1-5 and 12-20, which were previously withdrawn, were not identified as withdrawn claims. Because claims 1-5 and 12-20 were previously withdrawn but never canceled by applicants, a correct indication in the next communication that these claims are withdrawn is requested.

Support for the amendment to claim 6 is found in the specification at page 5, lines 27-34 and for claim 7 at page 8, lines 15 - 19. Claim 8 has been amended to correct a typographical error.

Priority Document

The Office Action Summary fails to acknowledge applicants' claim for foreign priority under 35 USC 119 and receipt of the priority document. A certified copy of the priority document JP 2000-10146 was filed in the parent application, Application No. 09/753,569. Acknowledgement of receipt of the certified copy of the priority document is respectfully requested in the next communication from the Examiner. This is applicants' fourth request for this acknowledgement.

Claim Rejections – 35 USC § 112

Applicants have amended claims 7 and 8 in order to overcome the rejection for lack of enablement.

Rule 132 Declaration

For the following reasons, applicants request the Examiner to reconsider her interpretation of the 132 Declaration.

As shown in the Table on page 4 of the Rule 132 Declaration, the relationships between (1) the heating temperature and (2) (a) the amount of hydrogen generation and (b) the hydrophobicity are as follows.

Table

Heating Temp. (°C)	Amount of Hydrogen Generation (mL/g)	Hydrophobicity	Total Evaluation ^{*1}
Before heating	-	Yes	Poor
160	3.32	Yes	Poor
260	0.99	Yes	Good
400	0.1	Yes	Good
500	0.07	Yes	Good
600	0.06	No	Poor

In the above table, the column farthest to the right, titled "Total Evaluation" is added for explanation. The Rule 132 Declaration clearly demonstrates that, in order to obtain silicone-treated powder essentially free from the generation of hydrogen, and having the desired hydrophobicity, the powder coated with the specified organohydrogenpolysiloxane is heated at temperatures of 260°C, 400°C and 500°C for 1 hour. When the heating temperature is 600°C, the hydrophobicity cannot be maintained, although the amount of the hydrogen generation is smallest. Consequently, applicants believe the Rule 132 Declaration clearly shows that the heating temperature of 260 - 500°C (for 0.1 - 24 hours) as claimed in claim 6, at the second step, demonstrates the unexpected beneficial results of the present invention.

Claim Rejections – 35 USC § 102

Applicants traverse the rejection under 35 USC 102 of claims 6 and 10-11 as being anticipated by JP 08-092484 (JP '484) for the following reasons.

Claim 6 has been amended to further distinguish over JP '484. In contrast to the present invention, JP '484 discloses that the powder is first coated with the silicone compound and then, the silicone compound-coated powder is further reacted with an unsaturated compound (or vinyl compound) (e. g. , $R^{11}R^{12}C = CR^{13}R^{14}$) capable of reacting with the Si-H group, at 300°C or less, preferably 0 - 250°. See paragraph number [0046]. (The temperatures used in the Examples are only 80°C or 80 - 90°C.)

The present invention, however, does not use such olefin vinyl compounds capable of reacting with the Si-H group derived from the silicone compound. Claim 6 has been amended to reflect this, i.e. that the compound (e.g., a vinyl compound) capable of reacting with the Si-H group is not used in the present invention. Specifically, claim 6 has been amended to reflect that the -Si-H groups on the coating layer are crosslinked by changing an Si-H group to an Si-OH group or siloxane(-Si-O-Si-) group, which is the cross-linking.

This is not the method disclosed in JP '484. For example, when $R^{11}R^{12}C=CR^{13}R^{14}$ is used, the -Si-H group on the coating will be changed to -Si-CR¹¹R¹²CHR¹³R¹⁴. Accordingly, JP '484 does not disclose the present invention.

In addition, as claimed in claim 6, and shown in the Rule 132 Declaration, the heating temperature of the present invention is 260°C-500°C, whereas the preferable temperature of JP '484 is 0-250°C.

Claim Rejections – 35 USC § 103

Claims 6, and 10-11 are rejected as obvious under 35 USC 103 over JP 09-268271 (JP '271) in view of US 2002/014094 (US '094), and applicants traverse for the following reasons.

As demonstrated in the Rule 132 Declaration, the desired hydrophobicity of the resultant powder is obtained when the coated powder is heated at 160°C, 260°, 400°C and 500°C, but not at 600°C. See Table in the Rule 132 Declaration. Furthermore, the undesirable generation of hydrogen occurs when the coated powder is heated at 160°C, but does not substantially occur at 260°C - 600°C, especially at 400°C - 600°C. See page 8, lines 7 - 22 of the specification. This is also clear from the Figure attached to the Rule 132 Declaration, where Si-H peaks are found in the IR chart in the case of the heating at 160°C and also in the non-heating case. The above specific conditions and the advantageous results obtained thereby are not suggested or disclosed by JP '271. The temperatures used in the Examples of JP '271 are all 100°C. Therefore JP '271 by no means teaches or suggests the present invention, in which, when the coated powder is heated at 260 - 500°C for 0.1 to 24 hours, the desired powder can be obtained, unlike the heating at 160°C or less.

US '094 does not teach or suggest the coating a surface of the powder with the specified silicone compound (I), and therefore cannot remedy the deficiencies of JP '271. US '094 relates to the conductive powder consisting of metal-coated powder particles having the four-layer structure of base particle-silicon polymer-first metal layer-second metal layer. See paragraph no. [0099]. Therefore, the structures of the powder of the present invention and US '094 are different. The powder according to the present invention is composed of the powder and a single coating layer of the silicone compound (I) or the mixtures thereof. The present silicone-treated powder is not conductive and also does not have metal layers, unlike US '094.

In addition, as shown in paragraph no. [0101] and in claim 11 of US '094, the four-layer structured powder particles were heated under an inert gas or reducing gas atmosphere, whereby the part or all of the silicone polymer is converted into the ceramic. This is completely different from and not suggest of the present invention, in which the specified silicone compound (I) is cross linked three -Si-H group to bear the desired silicone-treated powder free from the generation of hydrogen and having the desired hydrophobicity.

Therefore, the present invention is not obvious over JP '271 in view of US '094, and this rejection should be withdrawn.

Conclusion

The Commissioner is hereby authorized to charge any additional fees that may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

Respectfully submitted,



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